

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
	:
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Debtor.	:
	:
-----	:
PERTAINS TO THE FOLLOWING CASE:	:
	:
IRVING H. PICARD, Trustee for the Liquidation	:
of Bernard L. Madoff Investment Securities LLC,	:
	:
Plaintiff,	:
	:
-v-	:
	:
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	:
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,	:
ASCOT FUND LTD., GABRIEL CAPITAL	:
CORPORATION,	:
	:
Defendants.	:
	:
----- X	:

Adv. Proc. No. 08-01789 (SMB)
SIPA LIQUIDATION
(Substantively Consolidated)

Adv. Proc. No. 09-1182 (SMB)

**DECLARATION OF MARIEL R. BRONEN IN OPPOSITION TO
TRUSTEE'S MOTION *IN LIMINE* NUMBER 3 TO EXCLUDE
THE OPINIONS AND TESTIMONY OF JEFFREY M. WEINGARTEN**

I, Mariel R. Bronen, declare as follows:

1. I am an associate at the law firm of Dechert LLP, counsel to Defendants J. Ezra Merkin and Gabriel Capital Corporation.
2. I make this Declaration to put before the Court certain documents related to Defendants' opposition to the Trustee's motion *in limine* to exclude the opinions and testimony of Jeffrey M. Weingarten.
3. Attached to this Declaration as Exhibit A is the Expert Report of Jeffrey M. Weingarten dated March 19, 2015.

4. Attached to this Declaration as Exhibit B is a copy of an excerpt from the deposition transcript of Steve Pomerantz dated July 8, 2015.

5. Attached to this Declaration as Exhibit C is a copy of the Rebuttal Expert Report of Steve Pomerantz dated May 15, 2015.

6. Attached to this Declaration as Exhibit D is a copy of the Rebuttal Expert Report of Jeffrey M. Weingarten dated May 14, 2015.

7. Attached to this Declaration as Exhibit E is a copy of a Trial Order in *Picard v. Katz*, 11 Civ. 3605 (JSR), (S.D.N.Y. Mar. 14, 2012) ECF No. 177.

8. Attached to this Declaration as Exhibit F is a copy of an excerpt from a hearing transcript from *SIPC v. Bernard L. Madoff Inv. Sec. LLC* (S.D.N.Y. Oct. 12, 2012) (Rakoff, J.), ECF No. 401.

Dated: New York, New York
May 10, 2017

/s/ Mariel R. Bronen

Mariel R. Bronen